

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jun 16, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: John Vigil

Case Number: 0980 2:07CR00086-LRS-1

Address of Offender:

Spokane, Washington 99208

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: April 8, 2008

Original Offense: Armed Bank Robbery, 18 U.S.C. §§ 2113(a) and (d) and 2;
Attempted Witness Tampering, 18 U.S.C. § 1512(b)(1), (2)(a)Original Sentence: Prison - 132 Months; Type of Supervision: Supervised Release
TSR - 60 MonthsRevocation Sentence: Prison - 2 Months;
(May 15, 2019) TSR - 58 Months

Asst. U.S. Attorney: David Michael Herzog Date Supervision Commenced: July 5, 2019

Defense Attorney: Lorinda Meier Youngcourt Date Supervision Expires: May 4, 2024

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/06/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
2	<p><u>Special Condition # 8:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> Mr. John Vigil is alleged to have violated special condition number 8, by ingesting marijuana as previously occurring on or about June 11, 2021, based on urinalysis testing and the client's admission of such use.</p> <p>On July 5, 2019, Mr. John Vigil signed his conditions relative to case number 2:07CR00086-LRS-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Vigil was made aware that he was required to refrain from any use of a controlled substance and was required to submit to urinalysis testing as directed by the undersigned officer.</p>

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Specifically, on June 11, 2021, Mr. Vigil reported to Pioneer Human Services in Spokane as required to submit to random urinalysis testing, following his assigned color being called by the provider on the day in question. On June 14, 2021, the undersigned officer received the urinalysis testing results relative to the client's submitted sample, which noted the sample as being presumptive positive for marijuana. As a part of the correspondence from the treatment provider, a drug use admission form was also received in which the client signed his name admitting to ingesting marijuana, although it should be noted that the client did not provide a date of last use as required by the form.

On June 14, 2021, the undersigned officer placed a call to the client after receiving a text message from the client indicating he was waiting for this officer's phone call. Mr. Vigil subsequently admitted to traveling down to a local marijuana store and purchasing, and subsequently smoking a "joint" on or about June 9, 2021, stating that he believed the substance would have been out of his system by Friday. Mr. Vigil indicated he ingested the substance following incurred stress and anxiety after a fight between two of his dogs led to an argument with his fiancée.

Mr. Vigil indicated he remains unable to understand why he can't smoke marijuana or drink alcohol, although stated alcohol has never been "his thing" and also stated that neither had anything to do with his offense of conviction and these substances are legal for those not on federal supervision. Mr. Vigil further stated that he believes he is excelling in life and on supervised release, and attributed part of his success to his occasional use of marijuana, noting that he does not want to use prescription medication for his occasional anxiety.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 15, 2021

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

June 16, 2021

Date